

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04-cr-10357

United States of America

v.

Rashiek Cannon

**CLERK'S CERTIFICATE**


I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-24 No Sealed Documents

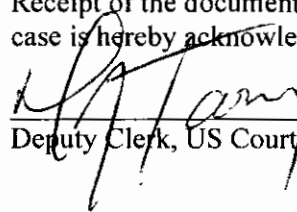
and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/07/2007

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 30, 2008.

By:

  
Sarah A. Thornton, Clerk of Court  
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/30/08.

  
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10357-MEL-1**

Case title: USA v. Cannon

Date Filed: 12/08/2004

Assigned to: Senior Judge Morris E.  
Lasker

**Defendant (1)**

**Rashiek T. Cannon**

represented by **Edward L. Hayden**  
7 Franklin Street  
Lynn, MA 01902  
781-599-1190  
Fax: 781-598-1190  
Email: hayden.law@verizon.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

18:922(g)(1) Possession of Firearm and  
Ammunition by Felon  
(1)

**Disposition**

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 70 months. The Court makes the following recommendation, that the defendant participate in the Bureau of Prisons' 500-hour Residential Drug Abuse Program. The defendant to receive credit for time served. Upon release the defendant is placed on supervised release for a period of 3 years. The defendant is to comply with the standard conditions of supervised release, plus the special conditions of supervised release. No fine is imposed. The defendant shall pay the United States a special assessment of \$100.00, which is due immediately. The defendant is informed of his right to appeal. The defendant is remanded to the custody of the U.S. Marshal

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Paul R. Moore**  
United States Attorney's Office  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3700  
Fax: 617-748-3951  
Email: paul.moore@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/08/2004	<a href="#"><u>1</u></a>	INDICTMENT as to Rashiek T. Cannon (1) count(s) 1. (Gawlik, Cathy) (Entered: 12/08/2004)
12/08/2004	<a href="#"><u>2</u></a>	Judge Morris E. Lasker : ORDER entered ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: Pretrial proceedings as to Rashiek T. Cannon (Gawlik, Cathy) (Entered: 12/08/2004)
12/08/2004	<a href="#"><u>3</u></a>	Arrest Warrant Issued as to Rashiek T. Cannon. (Gawlik, Cathy) (Entered: 12/08/2004)
12/13/2004	<a href="#"><u>4</u></a>	Electronic NOTICE OF HEARING as to Rashiek T. Cannon Arraignment set for 12/17/2004 @ 10:15 AM in Courtroom 14 before Magistrate Judge Robert B. Collings. Initial Appearance set for 12/17/2004 @ 10:15 AM in Courtroom 14 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 12/13/2004)
12/13/2004	<a href="#"><u>5</u></a>	Writ of Habeas Corpus ad Prosequendum Issued as to Rashiek T. Cannon for 12/17/2004 @ 10:15 AM (Russo, Noreen) (Entered: 12/13/2004)

10/19/2006	3	*** REMARK as to Rashiek T. Cannon: Habe was issued 12/13/2004 but Clerk was informed that he was not in State Custody at that time and was a fugitive. Initial Appearance set for 12/17/2004 @ 10:15 AM was cancelled. (Russo, Noreen) (Entered: 10/19/2006)
10/20/2006	3	ElectronicClerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin :Initial Appearance as to Rashiek T. Cannon held on 10/20/2006; Court goes over charges and rights with deft; deft files financial affidavit; court appoints Atty Ed Hayden cja; govt states max penalties and moves for detention under (f)(1)(e) and (f)(2)(a); Counsel are to contact the Collings session for a date for arraignment and detention; deft is remanded to the custody of the US Marshal; (Digital Recording #d.) (Simeone, Maria) (Entered: 10/20/2006)
10/20/2006	35	Magistrate Judge Leo T. Sorokin : CJA 20 as to Rashiek T. Cannon: Appointment of Attorney Edward L. Hayden for Rashiek T. Cannon. (Simeone, Maria) (Entered: 10/20/2006)
10/23/2006	3	ELECTRONIC NOTICE OF HEARING as to Rashiek T. Cannon Arraignment set for 10/25/2006 @ 03:30 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. Detention Hearing set for 10/25/2006 @ 03:30 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 10/23/2006)
10/25/2006	3	ElectronicClerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Arraignment as to Rashiek T. Cannon (1) Count 1 held on 10/25/2006, Detention Hearing as to Rashiek T. Cannon held on 10/25/2006, Plea entered: Not Guilty on Count 1. P. Moore for Gov't; Ed. Hayden for Def't. Basil Cronin, PTSO. Initial Status Conference set for 12/4/06 @ 3:00 PM. Gov't goes forward with full evidentiary hearing. Witness One for Gov't: Sheila O'Hara, ATF Agent. Gov't direct, Def't cross. No further evidence from Def't. Court continues hearing to 11/2/06 @ 1:30 PM. Def't remanded to the custody of the US Marshal. (Digital Recording: 4:19:36-4:38:00) (Russo, Noreen) (Entered: 10/25/2006)
10/25/2006	36	Magistrate Judge Robert B. Collings : ORDER entered. MEMORANDUM AND ORDER as to Rashiek T. Cannon. Counsel are ORDERED to appear for an Initial Status Conference on 12/4/06 @ 3:00 PM. (Russo, Noreen) (Entered: 10/27/2006)
10/27/2006	37	Arrest Warrant Returned Executed on 10/20/06. as to Rashiek T. Cannon. (Howarth, George) (Entered: 11/01/2006)
11/02/2006	3	ElectronicClerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Con't Detention Hearing as to Rashiek T. Cannon held on 11/2/2006. P. Moore for Gov't; Ed Hayden for Def't. Gina Affsa, PTSO. Court notes that hearing was continued so that a PTS Report could be prepared after a full evidentiary hearing on 10/25/06. Def't counsel indicates that the Court can consider Par. 1-4 of the PTS report. Def't requests that the Court enter an Order of Detention without prejudice. Def't remanded to the Custody of the US Marshal. Order to issue. (Digital Recording:2:40:02-2:45:01) (Russo, Noreen) (Entered: 11/02/2006)



		11/02/2006)
11/02/2006	3	Judge Robert B. Collings: Electronic ORDER OF DETENTION entered as to Rashiek T. Cannon with the defendant's consent. Attorney Hayden may reopen the detention hearing at a future date if he believes there are conditions of release which he can proffer which will reasonably assure the defendant's appearance and the safety of other persons and the community. (Entered: 11/02/2006)
11/09/2006	8	ELECTRONIC NOTICE OF HEARING as to Rashiek T. Cannon Initial Status Conference set for 12/4/2006 @ 03:00 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 11/09/2006)
12/04/2006	8	JOINT MEMORANDUM of the parties re initial status conference by Rashiek T. Cannon (Moore, Paul) (Entered: 12/04/2006)
12/05/2006	9	ElectronicClerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Initial Status Conference as to Rashiek T. Cannon held on 12/5/2006. P. Moore for Gov't; Ed Hayden for Def't. Upon review of joint status report, court allows 45 days before trial for the Gov't to turn over expert reports, 21 for def't's. Court sets until cob 1/22/07 for non-discovery motions to be filed. If tried will last 2 days, counsel indicates it could be a plea but will depend on Juvenile records and career offender status. Final Status Conference is set for 1/29/07 @ 3:00 PM. (Digital Recording: 4:49:45-4:56:42) (Russo, Noreen) (Entered: 12/05/2006)
12/05/2006	9	MOTION to Produce Massachusetts Registry of Motor Vehicle Documents by Rashiek T. Cannon. (Russo, Noreen). (Entered: 12/19/2006)
12/05/2006	9	Magistrate Judge Robert B. Collings : Electronic ORDER entered granting 9 Motion to Produce as to Rashiek T. Cannon (1)"ALLOWED, the Government not opposing." (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	10	MOTION to Produce Records of the Criminal History System Board by Rashiek T. Cannon. (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	9	Magistrate Judge Robert B. Collings : Electronic ORDER entered granting 10 Motion to Produce as to Rashiek T. Cannon (1) "ALLOWED, the Government not opposing." (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	11	MOTION to for access to Juvenile Records by Rashiek T. Cannon. (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	9	Magistrate Judge Robert B. Collings : Electronic ORDER entered granting 11 Motion to Produce as to Rashiek T. Cannon (1)"ALLOWED, the Government not opposing." (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	12	Magistrate Judge Robert B. Collings : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Rashiek T. Cannon. Time excluded from 12/8/04 until 12/8/04. Time excluded from 10/20/06 until 11/2/06. Time

		excluded from 10/25/06 until 10/25/06. Time excluded from 10/26/06 until 11/22/06. Time excluded from 12/5/06 until 1/22/07. (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	<a href="#"><u>13</u></a>	Magistrate Judge Robert B. Collings : ORDER entered. REPORT AFTER INITIAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(A) as to Rashiek T. Cannon Final Status Conference set for 1/29/2007 03:00 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 12/19/2006)
12/05/2006	<a href="#"><u>14</u></a>	Magistrate Judge Robert B. Collings : ORDER entered. ORDER FOR FINAL STATUS CONFERENCE (L.R. 116.5(C)) as to Rashiek T. Cannon (Russo, Noreen) (Entered: 12/19/2006)
01/19/2007	<a href="#"><u>15</u></a>	MOTION to Continue as to Rashiek T. Cannon. (Hayden, Edward) (Entered: 01/19/2007)
01/23/2007	<a href="#"><u>15</u></a>	Magistrate Judge Robert B. Collings: Electronic ORDER entered granting <a href="#"><u>15</u></a> Motion to Continue as to Rashiek T. Cannon (1) Final Status Conference set for 2/15/2007 @ 02:00 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. "ALLOWED. Motions due cob 2/5/07; Final Status Conference CONTINUED To 2/15/07 at 2:00 PM." (Russo, Noreen) (Entered: 02/04/2007)
02/02/2007	<a href="#"><u>16</u></a>	MOTION to Continue as to Rashiek T. Cannon. (Hayden, Edward) (Entered: 02/02/2007)
02/05/2007	<a href="#"><u>16</u></a>	ELECTRONIC NOTICE OF RESCHEDULING (time only) as to Rashiek T. Cannon Final Status Conference reset for 2/15/2007 @ 11:00 AM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 02/05/2007)
02/06/2007	<a href="#"><u>16</u></a>	Judge Robert B. Collings: Electronic ORDER entered granting <a href="#"><u>16</u></a> Motion to Continue as to Rashiek T. Cannon (1). Counsel shall be prepared at the Final Status Conference to advise whether a motion to dismiss and/or suppress will be filed and if so, how much time counsel needs to file and serve such a motion or motions. (Entered: 02/06/2007)
02/15/2007	<a href="#"><u>17</u></a>	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Rashiek T. Cannon <i>For Final Status Conference</i> (Moore, Paul) (Entered: 02/15/2007)
02/15/2007	<a href="#"><u>17</u></a>	Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings: Final Status Conference as to Rashiek T. Cannon held on 2/15/2007. P. Moore for Gov't; Ed. Hayden for Deft. Upon review of joint final status memo, Court asks parties how long trial would be and trial will be 3 days long. Court to send case to District Court Judge. (Digital Recording: 11:21:50-11:24:01) (Russo, Noreen) (Entered: 02/15/2007)
02/23/2007	<a href="#"><u>18</u></a>	Magistrate Judge Robert B. Collings : ORDER entered. FURTHER ORDER OF EXCLUDABLE DELAY as to Rashiek T. Cannon. Time excluded from 1/19/07 until 1/23/07. Time excluded from 2/2/07 until

		2/6/07. Time excluded from 2/6/07 until 2/15/07. Time excluded from 2/15/07 until 2/15/07. (Russo, Noreen). (Entered: 02/23/2007)
02/23/2007	19	Magistrate Judge Robert B. Collings : ORDER AND RECOMMENDATION AFTER FINAL STATUS CONVERENCE PURSUANT TO LOCAL RULE 116.5(c) as to Rashiek T. Cannon (Russo, Noreen) (Entered: 02/23/2007)
02/23/2007		Case as to Rashiek T. Cannon no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 02/23/2007)
02/26/2007		ELECTRONIC NOTICE OF HEARING as to Rashiek T. Cannon INITIAL Pretrial Conference set for 3/8/2007 02:30 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 02/26/2007)
03/08/2007		ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker :Pretrial Conference as to Rashiek T. Cannon held on 3/8/2007.Defendant's counsel request a pre-plea PSR.Court agrees. (Court Reporter Marie Cloonan.) (Howarth, George) (Entered: 03/08/2007)
03/08/2007	20	ASSENTED TO MOTION Pre-Plea PSR as to Rashiek T. Cannon. (Howarth, George) (Entered: 03/08/2007)
03/08/2007		Judge Morris E. Lasker : Electronic ORDER entered granting 20 Motion Pre-Plea PSR as to Rashiek T. Cannon (1) (Howarth, George) (Entered: 03/08/2007)
09/20/2007		ELECTRONIC NOTICE OF HEARING as to Rashiek T. Cannon Change of Plea Hearing set for 9/24/2007 02:15 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 09/20/2007)
09/25/2007		ELECTRONIC NOTICE OF RESCHEDULING as to Rashiek T. Cannon Change of Plea Hearing set for 10/1/2007 02:15 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 09/25/2007)
10/01/2007		Electronic Clerk Notes for proceedings held before Judge Morris E. Lasker : Change of Plea Hearing as to Rashiek T. Cannon held on 10/1/2007, Plea entered by Rashiek T. Cannon (1) Guilty Count 1.Defendant is returned to the custody of the Marshal. Sentencing set for 10/30/2007 02:30 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Court Reporter Marie Cloonan.) (Howarth, George) Modified on 10/3/2007 (Howarth, George). (Entered: 10/01/2007)
10/01/2007	21	Judge Morris E. Lasker : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Rashiek T. Cannon Sentencing set for 10/30/2007 02:30 PM in Courtroom 8 before Senior Judge Morris E. Lasker. (Howarth, George) (Entered: 10/01/2007)
10/30/2007		Electronic Clerk Notes for proceedings held before Judge Morris E. Lasker : Sentencing held on 10/30/2007 for Rashiek T. Cannon (1).



		Count(s) 1, The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 70 months. The Court makes the following recommendation, that the defendant participate in the Bureau of Prisons' 500-hour Residential Drug Abuse Program. The defendant to receive credit for time served. Upon release the defendant is placed on supervised release for a period of 3 years. The defendant is to comply with the standard conditions of supervised release, plus the special conditions of supervised release. No fine is imposed. The defendant shall pay the United States a special assessment of \$100.00, which is due immediately. The defendant is informed of his right to appeal. The defendant is remanded to the custody of the U.S. Marshal.. (Court Reporter James Gibbons.) (Howarth, George) (Entered: 10/31/2007)
12/07/2007	<u>22</u>	NOTICE OF APPEAL by Rashiek T. Cannon NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/27/2007. (Hayden, Edward) (Entered: 12/07/2007)
12/07/2007	<u>23</u>	Motion for leave to file appeal late by Rashiek T. Cannon (Hayden, Edward) Modified on 1/4/2008 (Folan, Karen). (Entered: 12/07/2007)
01/04/2008	<u>24</u>	Amended motion for leave to file appeal late by defendant. Modified on 1/4/2008 (Folan, Karen). (Entered: 01/04/2008)
01/17/2008		Senior Judge Morris E. Lasker: Electronic ORDER entered granting <u>23</u> Motion for Leave to File; (1); granting <u>24</u> Motion for Leave to File. "Motion granted on telephonic consent of counsel for the U.S." (Folan, Karen) (Entered: 01/17/2008)